

### REMARKS

In the Office Action, claims 10-13, 15 and 17-19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,312,471 to Kubein-Meesenburg et al. ("Kubein") in view of European Patent No. EP0610146 to Chauvin ("Chauvin"). Claim 16 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kubein in view of U.S. Patent No. 5,009,665 to Serbousek et al. ("Serbousek").

In this response, the specification has been amended. Claim 10 has been amended. Claim 12 has been cancelled. New claims 21 and 22 have been added. Upon entry of the amendments, claims 10, 11, 13, 15-19, 21 and 22 will be pending.

Reconsideration of the application based on the following remarks is respectfully requested.

#### Examiner interview

Applicants thank the Examiner for the courtesy of an interview on January 4, 2011 with Applicants' representative, Leigh Buell. During the interview, possible amendments to claim 10 were discussed to overcome the prior art. The Examiner suggested that claim 10 could be amended to specify that the cogging allows an alignment of the inlay with respect to the socket in both a frontal and a sagittal plane of the patient. The Examiner indicated that this feature was most likely not in the prior art. The Examiner further suggested adding dependent claims directed to structural features of the joint as seen in Figure 3 of Applicants' disclosure.

#### Amendments to the specification

Applicants have amended paragraph [0020] of the specification. Support for the amendment is found in Figure 3 of the originally filed application.

#### Rejection under 35 U.S.C. § 103 (a) in view of Kubein and Chauvin

Claims 10-13, 15 and 17-19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kubein in view of Chauvin.

Kubein describes an artificial condyle for use in a human hip joint in which the condyle has a spherical joint shell. *See* Kubein, Abstract. Kubein fails to teach any cogging formed between the socket part and the inlay.

Chauvin describes a prosthesis with insert 4 having teeth 4b which cooperate with notches 3b of core 3 to enable a placement of core 3. *See* Chauvin Fig. 1 and lines 18-19 of the translation. Snap ring 3d and cord 4d as seen in Figure 3 of Chauvin ensure that the core 3 is aligned in a single plane and prevent any further alignment of core 3.

Applicants have now amended claim 10 to clarify that the cogging allows an alignment of the inlay with respect to the socket relative to both a frontal and a sagittal plane of the patient. Support is found, for example, in paragraph [0020] of the originally filed specification.

Applicants respectfully submit that Chauvin does not teach this feature. Instead, Chauvin merely describes insert 4 insertable in core 3 and locked in position by teeth 4b and corresponding notches 3b. *See* Chauvin, Fig. 2. Indeed, teeth 4b and notches 3b along with snap ring 3d and cord 4d allow the insert to be locked in a position in a single plane, but the single row of teeth positioned around a circumference of the insert prevent any kind of alignment relative to both the frontal and sagittal planes as recited in claim 10.

Accordingly, the combination of Kubein and Chauvin does not teach or suggest that the cogging allows an alignment of the inlay with respect to the socket relative to both a frontal and a sagittal plane of the patient. Withdrawal of the rejections of claims 10-13, 15 and 17-19 under 35 U.S.C. § 103 (a) is respectfully requested.

Rejection under 35 U.S.C. § 103 (a) in view of Kubein and Serbousek

Claim 16 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kubein in view of Serbousek.

Serbousek describes an acetabular cup for use in cement fixation having at least one flat area on its generally hemispherical outer surface. *See* Serbousek, Abstract.

Applicants respectfully submit that Serbousek does not cure the deficiencies of Kubein in that Serbousek does not describe cogging allowing an alignment of the inlay with respect to

the socket relative to both a frontal and a sagittal plane of the patient. Serbousek merely describes cement fixation of a hip prosthesis to the bone.

Therefore, Serbousek does not cure the deficiencies of Kubein and Chauvin, and withdrawal of the rejection to claim 6 is respectfully requested.

New Claims 21 and 22

New claims 21 and 22 have been added. Support for claim 21 is found in Figure 3. Support for claim 22 is found, for example, in paragraphs [0019] and [0020] of the originally filed application.

Applicants respectfully submit that none of the references cited teach a cogging disposed on a concave section of an inlay of a joint or a cogging formed in a stair-step formation as recited in new claims 21 and 22. Applicants thus submit that these claims are in condition for allowance.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

No additional fees are believed to be due with the filing of this response. In the event of a fee discrepancy, please charge any fees due in connection with this filing to Deposit Account No. 12-1216.

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Respectfully submitted,

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